



**Council on Developmental Disabilities
Meeting Minutes
February 26, 2016**

Members Present: Stephanie Brewer Cook, Evan Espey, Tatum Fowler, Dawn Fry, Roger Gibbens, Serina Gilbert, Doug Hall, Lisa Johnson, Tommy Lee Kidd, Deborah McBride, Tecia Pryor, Debbie Riffle, Steve Sheegog, Karen West.

Members Absent: Amy Allen, Rick Davis, Norris Branick, Scott Lillard, Renee Lopez, William Lovell, Bob Plummer.

Agency Representatives Present: Jackie Bruce (TCAD), Allison Gauld (Dept. of Education), Yovancha Lewis-Brown (Voc Rehab), Michelle Jernigan (TennCare), Barbara DeBerry (DIDD), Elise McMillan (Vanderbilt Kennedy Center), Dr. Fred Palmer (UT Memphis Boling Center), Bettie Teasley Sulmers (THDA), Jacqueline Johnson (DOH/MCH), Katie Lee (TDMHSAS).

Agency Representatives Absent: Lisa Primm (DRT), Richard Kennedy (TCCY).

Staff Present: Alicia Cone, JoEllen Fowler, Tiffany Mason, Lynette Porter, Emma Shouse, Ned Solomon, Mildred Sparkman, Wanda Willis.

Visitors: John Blake, Cheryl Coleman Blake, Levon Sheegog, Don Watt (TN Housing Development Agency), Roy West & Ashley Humphrey (TN Dept. of Treasury), Cindy Gardner (Maurer & Gardner, PLLC), Sarah Harvey (Voc Rehab).

9:00 A.M.	OPENING AND INTRODUCTIONS
<p>Council Chair, Roger Gibbens, opened the meeting at 9:00 a.m. Mr. Gibbens welcomed everyone and introduced visitors: John Blake, Cheryl Coleman Blake and Levon Sheegog. There were certificates of recognition for years of service given to Council staff members Lynette Porter and Ned Andrew Solomon, who have each been with the Council for 15 years.</p> <p>Mr. Gibbens facilitated introductions.</p>	
9:30 A.M.	BUSINESS ITEMS
<p><u>Approval of September 18 Minutes and Agenda Review</u></p> <p>The September 18, 2015 Council meeting minutes were emailed to all the Council members prior to the February 26, 2016 Council meeting to give members an opportunity to review before the meeting. Mr. Gibbens called for a motion to accept the minutes as written from the members present at the last meeting. <i>Mr. Steven Sheegog moved to accept the September 18, 2015 minutes as written and Dr. Fred Palmer seconded the motion. There was no discussion and the motion carried unanimously.</i></p> <p>Mr. Gibbens reviewed the agenda for the Council meeting.</p>	

Executive Director Report

Ms. Wanda Willis presented the Executive Director's report. From the staff report included in folders, she mentioned the following activities:

- Ms. Willis met with TennCare Long Term Services and Support staff to discuss the proposal from Michael Smull and Associates for a person centered organizations initiative for Managed Care Organizations (MCOs). The two offices developed a response to the proposal. TennCare is interested in funding introductory training for MCOs in person centered practices, and in having the consultants work with them on training related to specific requirements in the contract with MCOs. The Council will pursue the intensive 10-month training on becoming a person centered organization, with person centered practices linked to agency policy and process development. We received the Council portion of the proposal last week and have questions that need to be answered before we send the proposal packet to the Council proposal review committee (chaired by Evan Espey). When our questions are resolved we will send a review packet to committee members. The committee will take the next 2 months to review and discuss the proposal and will bring a recommendation for Council funding to the May 6 Council meeting.
- An exciting initiative of the Council is developing a training program for state employees who work in disability-related services in state government. An executive council comprised of commissioners and deputy commissioners met to establish the program description and identify specific competencies for the leadership academy. The academy launches with an orientation on April 1. We expect to have a class of 30-40 individuals. A highlight of the academy will be a class project that involves all state agencies and benefits people with disabilities and their families.
- The Council was invited to partner with the TN Department of Labor and Workforce Development to sponsor their March edition of a new monthly program produced through News Channel 5 (Middle Tennessee's CBS affiliate) about employment called "Inside Workforce Development". The March program will be focused on employment for people with disabilities. Council staff helped to plan the content and guest participants for the program. This week a 'trial run' meeting was held with the 3 program participants - Council Vice-Chair Tommy Lee Kidd, Dept. of Education's Joey Hassell, and an employer at a Project SEARCH site at Vanderbilt Children's Hospital, Kate Copeland. The show will be taped on March 1 and will air multiple times on News Channel 5+, as well as being available online. We will send the link to view the program to members once it is available.

Budget Report

Ms. Lynette Porter, Deputy Director, reported that the Tennessee Council's planning budget balance is \$234,296. We received a 3.31% increase with the announcement of our FY 2016 federal allotment. This is \$18,845 additional dollars. We have until September 30, 2018 to spend the FY 2016 funds.

A review of the funding history of the Tennessee Council, going back to 1989, was presented. Our peak funding year was 2014 with a \$1.517 million total allotment. Major reduction years occurred in 1996 and 2013. We are now funded at the same level we were in 1995, 21 years ago. Current Tennessee federal funding is \$1.46 million.

The Administration on Intellectual and Developmental Disabilities (AIDD) has released a new funding formula for Councils and Protection & Advocacy agencies. The DD Act requires that funding to the states be based on 3 factors: total population of the state, need for services for people with developmental disabilities, and financial need of the state. Beginning in FY 2017, AIDD will use a new formula to distribute funds. It will be based on:

- 30% population – based on July Census figures each year
- 30% need for services – based on a 1.58% prevalence rate for developmental disabilities in each state
- 40% financial need – based on a combination of poverty (20%) and unemployment rates (20%) from July of each calendar year.

Applying the new formula to the current allotment, Tennessee would see no noticeable increase or decrease. Many southern states saw decreases. The formula does not impact the overall allocation to Councils, but is a redistribution to the states.

The Council was given an update on Executive Order 50, which moves the TN Council on Developmental Disabilities out of the budget code of the Department of Intellectual and Developmental Disabilities and establishes the Council as a free-standing

office in State government. The Council Executive Director and Deputy Director are now presenting the agency budget to the legislature as a part of the Governor’s budget. We anticipate no issues with funding. Additionally, staff are working strategically with all administrative offices to plan a smooth transition into our own budget code. All administrative functions for the operation of the Council will see some transition, and Council staff are leading the process within the State.

Executive Committee Report

Mr. Gibbens reported that the Executive Committee met on Thursday, February 25th and reviewed and approved a budget amendment for Partners in Policymaking, adding \$25,000 to the contract for the remainder of the year. The Committee also discussed the budget process described by Ms. Porter in her report above and the status of the proposal from Michael Smull to provide person-centered organization training to the managed care organizations. Staff has received a revised work plan and budget to review and once we are agreed on the proposal, Ms. Willis will send it to Evan Espey, Proposal Review Committee Chair, to review with the Committee, along with rating criteria. We will have everything wrapped up by the May 6th Council meeting and be prepared to present the proposal to the Council for a vote. Mr. Gibbens mentioned the photo opportunity the Executive Committee had with the Governor earlier in the week to commemorate the signing of Executive Order 50 which establishes the Council as an independent office within the state. He concluded the report by reading the Governor’s proclamation of March as Developmental Disabilities Awareness Month.

10:00 A.M.

COUNCIL STATE PLAN: FEEDBACK RECEIVED FROM PUBLIC COMMENT PERIOD BY ALICIA CONE, PH.D., GRANT PROGRAM DIRECTOR

Dr. Alicia Cone presented an update on the status of the development of the new state plan. She reviewed what the state plan is, reminding Council members that it is a 5 year strategic planning document, and a tool to assist the Council in systems change and advocacy efforts. A new state plan is created every 5 years, with the next one due August 2016. She then updated the Council on where we are in the development process having completed 60 days of public review, and moving on to finalize the goals and objectives. We do a public review in order to obtain feedback from stakeholders about our proposed new 5 year goals and objectives. Dr. Cone summarized the public review process that the Council followed, which included developing a survey for public comments and distributing that survey via our web site and various other communications platforms and the Developmental Disabilities and Independent Living networks were specifically asked for comments. She presented the comments of the ten people who responded during the public review period. 90% of respondents agree that the goals and objectives present a roadmap that can be followed, and that they make sense, 80% indicated that the plan was clear, and she clarified that while two people thought we might be able to make the plan more clear and simple, they had no specific suggestions. The Council staff will continue to edit and wordsmith the document with an eye toward clarity and simplicity. Dr. Cone mentioned that 90% of respondents strongly agreed or agreed that the proposed state plan would have a positive impact on the lives of Tennesseans with disabilities and their families. She reviewed important next steps and key dates. Staff are focusing on doing more edits to the state plan that will make it more accessible, measurable, and understandable in order to have a new state plan that will translate to the new federal administration coming in in 2017 and the new reporting system that is being developed. Lastly, Dr. Cone noted that at the May 2016 Council meeting, the Council members will see the proposed state plan for final approval, and that the new plan will be submitted to the Administration on Intellectual and Developmental Disabilities by August 15, 2016.

10:30 A.M.

NATIONAL HOUSING TRUST FUND BY DON WATT, COMMUNITY PROGRAMS DIRECTOR, TN HOUSING DEVELOPMENT AGENCY

Mr. Don Watt, director of the Tennessee Housing Development Agency’s (THDA) community programs division, presented to the Council on the National Housing Trust Fund program. This new funding stream is intended to create more rental opportunities for “extremely low income” families, which can include families that experience disability. It will provide financial assistance for new construction or to rehabilitate existing rental housing.

The US Department of Housing and Urban Development (HUD) will use a funding formula to determine how much money states will receive, but it is anticipated that each state will get at least \$3 million. The awarded resources will be made available this fall. However, in order for this to happen, each state must develop an allocation plan for the use of these resources for approval

by HUD. That plan must be submitted by each state to HUD by May 15, 2016. For more information see NHTF@thda.org .	
10:40 A.M.	BREAK & CHECK OUT
11:10 A.M.	THE ABLE ACT IN TN (ACHIEVING A BETTER LIFE EXPERIENCE) BY ROY WEST, ABLE COORDINATOR & ASHLEY HUMPHREY, SENIOR DIRECTOR, FINANCIAL EMPOWERMENT, TN DEPT. OF TREASURY
<p>Mr. Roy West, ABLE (Achieving a Better Life Experience) Coordinator with the TN Department of Treasury, gave an update on the ABLE Act. ABLE accounts are tax-free saving accounts for individuals whose disability was present before the age of 26 and are either eligible to receive Supplemental Security Income (SSI) or Social Security Disability Income (SSDI) or who have a disability certificate on file. ABLE accounts can be opened with an initial \$25 contribution and have an annual and lifetime contribution limits currently of \$14,000 and \$235,000 respectively. ABLE accounts have low annual fees and have investment options that are the same as 529 Education Accounts.</p> <p>Mr. West explained that funds up to \$100,000 in an ABLE account are excluded from income and SSI benefits will only be suspended when funds exceed \$100,000. Medicaid eligibility will not be affected by ABLE Accounts and there are no federal taxes on earnings from the growth of funds in an ABLE account.</p> <p>ABLE Accounts may be used for a wide variety of disability related expenses including but not limited to: education, housing, transportation, health and wellness, home modifications, assistive technology, employment support, financial management, administrative services and legal fees.</p> <p>The ABLE Accounts are projected to be available in the summer of 2016. For more information and to sign up for monthly updates, go to www.ABLETN.gov.</p>	
11:40 A.M.	HOW THE ABLE ACT AFFECTS SPECIAL NEEDS TRUSTS BY CINDY GARDNER, ATTORNEY, MAURER & GARDNER, PLLC
<p>Ms. Cindy Gardner reminded Council members that a person with a disability cannot have resources in excess of \$2000 and still qualify for (SSI) and Medicaid. Both ABLE accounts (Achieving a Better Life Experience) and Special Needs Trusts (SNT) are vehicles which allow for exceptions to that rule. Ms. Gardner then discussed the five differences between an ABLE account and a SNT. First, the ABLE account is controlled by the person with a disability. It can be set up by the person. She explained that the SNT is controlled by the Trustee. It cannot be set up by the person with a disability. Second, the SNT can be used for anything that benefits the person, while the ABLE account is used for only qualified disability expenses. She explained that a SNT allows for expenses that are “solely for the benefit of the beneficiary”, while the ABLE account has strict limits on what the account can be used for. Third, she discussed that the ABLE account is all about money/cash, while the SNT is about more than just cash contributions, it is about assets (for example, a home). Fourth, Ms. Gardner mentioned that there is a \$14,000 annual maximum contribution, which does not exist with a SNT. Fifth, she reviewed that the ABLE account is established through the Dept. of Treasury while the SNT has to be set up through an attorney. Ms. Gardner ended her presentation by stating that ABLE accounts are an outstanding idea that should be set up immediately (at birth if possible) as part of financial planning for a person, while a SNT should be thought about for later in life. Please review the various handouts received for more details on the ABLE Act.</p>	
11:55 A.M.	COUNCIL PHOTO, LUNCH & CONTINUED DISCUSSION ABOUT THE ABLE ACT
1:10 P.M.	UPDATE ON LEGISLATIVE SESSION BY TIFFANY MASON, PUBLIC POLICY DIRECTOR
<p>Ms. Tiffany Mason, Public Policy Director, presented the public policy update. Disability Day on the Hill was one of the highlights and she thanked Karen West and Evan Espey for participating. The Disability Policy Alliance, of which Council is a member, held their opening session in the Senate Chamber this year and many high level staff from various departments spoke about their programs for persons with disabilities. Additionally, a parent of a person with a disability and a self-advocate spoke about the</p>	

importance of being involved in public policy activities.

Next on the agenda were highlights of Governor Haslam’s proposed state budget. It included no budget cuts for the Council and no cuts to Family Support program. Gov. Haslam included a total of \$24.1 million for the new Employment and Community First (ECF) program which is estimated to serve 1,700 persons in the first year. A mobile seating and positioning clinic, in addition to DIDD’s existing Seating and Positioning clinics, was also included in the budget.

Priority legislation being monitored by the Council was discussed next. It included the following:

- SB2003/HB2014 - Sen. Ketron/Rep. Ramsey
 - The “Aging Caregiver” bill which as amended would enroll people with disabilities whose caregivers are 75 or older in a waiver. The bill that passed last year had “80” as the caregiver’s age.
- SB2003/HB2014 - Sen. Ketron/Rep. Ramsey
 - STEP UP scholarship bill which expands financial aid to students with intellectual disabilities from 2 to 4 years and would require programs to have a “Comprehensive Transition and Postsecondary Program” designation.
- SB1735/HB1568 - Sen. Dolores Gresham/Rep. Debra Moody
 - Extends eligibility for the Individualized Education Account to students attending any TN school, not just public schools.
- SB2358/HB2372 - Sen. Steven Dickerson/Rep. Johnny W. Shaw
 - Clarifies employment non-discrimination policies for qualified individuals with a disability, including those who use service animals.
- SB2003/HB2014 - Sen. Ketron/Rep. Ramsey
 - Creates a new Council under the Dept. of Intellectual & Developmental Disabilities to address health, education, and other services/needs for people with autism.
- SB 1597/HB1651 by Sen. Massey/Rep. Hawk
 - Amends the references of “persons adjudicated incompetent” to “persons who lack capacity to understand their legal rights and liabilities” for the purposes of civil proceedings.

Other bills that were touched on briefly included:

- School Vouchers – This bill passed the Senate last year but has been placed on the House Clerk’s desk due to a lack of support by House members.
- Motorcycle helmet bill – This bill would repeal the law requiring helmets for persons riding motorcycles. This is the 16th year this bill has been filed but it has been taken off notice in the House Finance Committee.
- Missing persons alert for person w/disability – This legislation encourages law enforcement to use the missing citizen alert program to help locate missing citizens who have wandered due to dementia or disabilities and allows law enforcement agencies to seek assistance from nonprofit organizations.
- Protections for the rights of a ward of a conservator – This bill establishes protections for the rights of a ward of a conservator, including the right to receive communications, visitation, and interaction with other persons.

1:40 P.M.

VOCATIONAL REHABILITATION INITIATIVE: PRE-EMPLOYMENT TRANSITION SERVICES BY SARAH HARVEY, PRE-EMPLOYMENT SERVICES DIRECTOR, VOCATIONAL REHABILITATION SERVICES, DEPT. OF HUMAN SERVICES

Ms. Sarah Harvey, the Pre-Employment Transition Services Director for the Division of Rehabilitation Services, (Vocational Rehabilitation), Department of Human Services, gave a presentation to the Council on Pre-Employment Transition Services. A copy of the PowerPoint is included as an attachment to the minutes. Ms. Harvey shared two videos (<https://www.youtube.com/watch?v=vFzn6sCDRMA> & <https://www.youtube.com/watch?v=J9aHT-syZxs>) about the Workforce Innovation and Opportunities Act and the implications for students age 14 through 22 with disabilities. With the Act, Pre-Employment services must begin at age 14 for students with disabilities. Pre-Employment services include job exploration, work based learning, work place readiness, self-advocacy and post-secondary counseling and enrollment assistance. Phase 1 of the services has begun with a pilot project in Jackson/Madison County and will be expanded to all counties at some point in the near future. Ms. Harvey can be reached at sarah.e.harvey@tn.gov.

2:10 P.M.	CLOSING ANNOUNCEMENTS
Mr. Gibbens encouraged members to turn in their travel claims and Council meeting evaluations. <i>A motion for adjournment was made by Evan Espey and seconded by Stephanie Cook. The motion carried and the Council meeting was adjourned at 2:10 p.m.</i> The next Council meeting will take place at the Embassy Suites Nashville Airport on May 6, 2016.	

2016 COUNCIL MEETING DATES	
Friday, May 6, 2016	Embassy Suites Nashville Airport
Friday, September 16, 2016	Embassy Suites Nashville Airport
Thursday & Friday, November 3 & 4, 2016, Annual Planning Retreat	TBA

Respectfully submitted by: 
JoEllen Fowler, Administrative Assistant

Approved by: 
Wanda Willis, Executive Director